

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

TIMOTHY DOYLE YOUNG,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

Case No: C 12-6017 SBA (pr)

ORDER OF TRANSFER

On November 27, 2012, Petitioner, a prisoner incarcerated at United States Penitentiary (USP)—Florence, Colorado, filed a document styled as “Habeas Corpus.” Dkt. 1. In an entirely summary manner, he alleges that: (1) the Prison Litigation Reform Act is unconstitutional because it allows for cruel and unusual punishment; (2) the Bureau of Prisons (BOP), USP-Florence, Colorado, and his prison case manager are withholding unspecified forms; and (3) the BOP has committed perjury in connection with his inmate account statement.

A petition for a writ of habeas corpus is used to challenge the fact or duration of a prisoner’s confinement. Preiser v. Rodriguez, 411 U.S. 475, 484 (1973). In contrast, a civil rights action is the proper mechanism for a prisoner seeking to challenge the conditions of his confinement. 42 U.S.C. § 1983; Badea v. Cox, 931 F.2d 573, 574 (9th Cir. 1991). Where the defendant is alleged to be the United States, a civil rights claim is appropriately brought pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). Here, because Petitioner’s dispute arises from the conditions of his confinement at USP-Florence, the Court liberally construes his pleading as a complaint under Bivens.

1 The federal venue statute requires that a civil action, other than one based on
2 diversity jurisdiction, be brought only in:

3 1) a judicial district in which any defendant resides, if all
4 defendants are residents of the State in which the district is
located;

5 (2) a judicial district in which a substantial part of the events or
6 omissions giving rise to the claim occurred, or a substantial part
of property that is the subject of the action is situated; or

7 (3) if there is no district in which an action may otherwise be
8 brought as provided in this section, any judicial district in which
any defendant is subject to the court's personal jurisdiction with
respect to such action.


9 28 U.S.C. § 1391(b). Under 28 U.S.C. § 1406(a), "[t]he district court of a district in which
10 is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the
11 interest of justice, transfer such case to any district or division in which it could have been
12 brought."

13 In the instant case, all of the events or omissions giving rise to Petitioner's claims in
14 this case occurred in Florence, Colorado, which lies within the venue of the District of
15 Colorado. Therefore, the Court finds that the interests of justice warrant transferring the
16 instant action to the judicial district where venue is proper. See 28 U.S.C. § 1406(a).
17 Accordingly,

18 IT IS HEREBY ORDERED THAT the Clerk shall transfer the instant action to the
19 District of Colorado. The Clerk shall close the file and terminate all pending matters.

20 IT IS SO ORDERED.

21 Dated: January 18, 2013


22 SAUNDRA BROWN ARMSTRONG
23 United States District Judge
24
25
26
27
28

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 TIMOTHY DOYLE YOUNG,

5 Plaintiff,

6 v.

7 UNITED STATES et al,

8 Defendant.
9 _____/

10 Case Number: CV12-06017 SBA

11 **CERTIFICATE OF SERVICE**

12
13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on January 18, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19
20 Timothy Doyle Young Reg. No. 60012-001
21 U.S. Penitentiary Max-ADX
22 P.O. Box 8500
23 3-5128
24 Florence, CO 81226-8500

25 Dated: January 18, 2013

26 Richard W. Wieking, Clerk
27 By: Lisa Clark, Deputy Clerk
28